

REMARKS

Claims 39-58 are pending in this application and have been rejected. Claims 39 and 40 have been amended. The amendment to claim 39 does not narrow the scope of the claim because it merely provides antecedent basis for a later-recited term. The amendment to claim 40 does not narrow the scope of the claim. The claim originally recited 1-octene as a comonomer. Amended claim 40 is not limited to a comparable copolymer having 1-octene. This amendment to claim 40 merely clarifies the original intent of the applicant and corrects an artifact of the allowed claims of the parent. For clarification, the designation of an interpolymer or comonomer as first or second is purely arbitrary. Claim 40 merely requires that the component of the inventive blend that has the comonomer with fewer carbon atoms be replaced with a polymer having a comonomer with the same number of carbons as that of the component of the inventive blend that has more carbons. Claim 45 has also been amended to correct a purely typographical error. this amendment also fails to change the scope of the claim for obvious reasons.

The section of the specification entitled "Prior-related Applications" has been amended to conform it to the priority claimed on the declaration and on the Application Data Sheet. Both of these documents were filed contemporaneously with the application papers.

RESPONSE TO REJECTIONS UNDER 35 U.S.C. §112

Claims 39-58 have been rejected as being indefinite because the phrase "at least one second comonomer" lacks antecedent basis. Applicants have amended claim 39 to provide such basis. Support for this amendment is found on, for example, page 5, lines 2-6 of the specification. Applicants believe this cures any indefiniteness in the claims and respectfully requests that the rejection be withdrawn.

Claim 40 has been rejected as being indefinite. Claim 40 has been amended to clarify the claimed subject matter. Support for this amendment can be found on page 7, lines 6-11. We note that the same rejection was faced in the parent case and the Examiner agreed that the rejected claim was not indefinite in view of the passage on page 7. Applicants believe this cures any indefiniteness in the claim and respectfully requests that the rejection be withdrawn

Claim 45 has been amended to be properly ended and requests that the rejection be withdrawn.

RESPONSE TO REJECTIONS REGARDING DOUBLE PATENTING

Claims 39-58 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,723,398. A terminal disclaimer is attached.

RESPONSE TO REJECTIONS UNDER 35 U.S.C. §102

Claims 39-58 are rejected under 35 U.S.C. § 102(e) based on "Chum" (presumably U.S. Patent 6,723,398). The priority claim has been amended to claim the benefit of U.S. Serial Appl. No. 08/544,497, filed October 5, 1995. Thus, Chum is not prior art for the present application. The applicants respectfully request the rejection be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated:

Respectfully submitted,

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